THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.17453 of 2004

Dated 03-03-2006

Between:

V. Shobha.

..... PETITIONER

AND

The Sub Collector, Chittoor District, and another.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.17453 of 2004

O R D E R:

The first respondent issued a notification dated 17-09-2004 for appointment of a Dealer in respect of a newly created fair price shop at Dalavai Kothapalli-II Village, Kuppam Mandal. The said vacancy was notified calling for applications from the eligible candidates belongs to Backward Class (BC) category. The petitioner who belong to OC category filed this writ petition challenging the said notification as arbitrary and illegal on the ground that the fair price shop in question ought not to have been reserved for BC category. The contention of the petitioner is that there are fifty four fair price shops in Kuppam Mandal and out of the same seven fair price shops were filled up with SC category, thirty two fair price shops were filled up with BC category and fifteen fair price shops were filled up with OC category whereas as per the reservation policy of the state government, reservation of 15% is fixed for SC category, 7% for ST category and 25% for BC category. According to the petitioner the reservation fixed for BC category has already exceeded and therefore the fair price shop in question ought to have been reserved for OC category instead of BC category. It is pleaded that if 25% reservation is followed by the respondents 1 and 2 for BC category in Kuppam Mandal, it comes to 14 fair price shops whereas the first respondent already provided 32 fair price shops to BC category which exceeds 25% reservation.

The first respondent-Sub Collector, Madanapalle, filed a counter-affidavit explaining that the vacancy of the fair price shop in

question was notified as per the guidelines issued in G.O.Ms.No.53 dated 06-10-2003 under which the Revenue Division/Circle is treated as a unit and the reservation shall be observed as under:

Scheduled Castes : 15%

Scheduled Tribes : 6%

Physically Handicapped : 3%

Backward Classes : 25%

It is further explained that there are 1185 fair price shops existing in the division and the backlog in each reserved category runs as under:

Category	No. of vacancies to be reserved	No. of existing Backlog dealers to be filled
Scheduled Castes	178	118 60
Scheduled Tribes	71	22 49
Physically Handicapped	36	18 18
Backward classes	296	194 102

Thus it is stated that still 102 vacancies are to be filed up with BC category. Hence the notification dated 17-09-2004 was issued inviting applications from BC category.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents, I do not find any infirmity in the procedure adopted by the respondents in notifying the vacancy in question under BC category. It is a settled position that while working out the reservation, the revenue division has to be treated as a unit and as per the information furnished in the counter-affidavit, it is clear that still backlog vacancies are available in Madanapalle Revenue Division so far as BC category is concerned. Hence, the respondents cannot be found fault with in reserving the vacancy of Dealer in respect of the fair price shop in question for BC category.

Accordingly, the writ petition, which is devoid of any merit, is dismissed. The interim order dated 29-09-2004 passed by this Court in W.P.M.P.No.22883 of 2004 shall stand vacated. No costs.

_____

(G. ROHINI, J)

Date:03-03-2006

ghn